REMARKS

Applicant respectfully requests reconsideration of the above identified application. Claims 1-6, 23-25 and 31-41 are pending. Claims 1-6, 23-25 and 31-41 are rejected. Claims 1, 6, 11, 23, 31, 33, 36 and 39 are amended to impart greater clarity to the subject matter which Applicant regards as his invention, rather than to distinguish over the prior art.

Applicant notes that in the Office Action mailed on July 13, 2004, interpretations or characterizations by the Examiner include inferences and/or potential limitations, to which Applicant does not agree. Being respectful of the Examiner's time, Applicant will not address each inference and/or potential limitation here but reserves the right to refute them in the future in the event that they are considered to be at issue.

35 U.S.C. § 102 REJECTIONS

The Office Action mailed on July 13, 2004 rejects Claims 1-16, 23-25 and 31-41 under 35 U.S.C. 102(b) as allegedly being anticipated by US Pat. No. 5,819,117 (Hansen).

The Examiner states that Hansen (figs. 3B and 10C) teaches, "(c) access a packed data operand (71) having at least two portions... (d) select a set of data elements from a portion of the packed data operand... (e) copy each data element of the selected set of data elements to specified data fields located in the corresponding portion of the destination operand (74), and... as in claims 2-5, (f) wherein the packed data operand includes eight data elements... (g) wherein... the data elements of 16-bits (can be any

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size) to [a] 128 bit operand and (h) the packed data and destination operands are the same destination operand."

Figures 3B and 10C show 4-byte B. E. (Big Endian) load operations from memory to a processor register (col. 6, lines 31-44 and col. 14, lines 56-58). Applicant respectfully submits that Figure 10C (71) does not show a packed data operand having byte data elements as suggested by the Examiner, but rather shows a single 4-byte data being loaded and rearranged into B. E. by BPU 44 (col. 14, lines 56-59). This detail is further evidenced by the disclosure that BPU 44 comprises a sign extension unit 96 to sign extend the dataword (Fig. 6, col. 13, lines 50-52 and 63-65). Therefore, the data element (71) shown in Fig. 10C is a signed or an unsigned 32-bit integer with an L. E. (Little Endian) byte order and data element (74) is a signed or an unsigned 32-bit integer with a B. E. byte order, and not packed bytes as the Examiner suggests.

Accordingly, the cited reference does not anticipate, for example, accessing a packed data operand including at least two portions of data elements and selecting a set of data elements from a portion of the packed data operand, the portion including at least two data elements, as set forth by independent claims 1, 6, 11, 23, 31, 33, 36 and 39.

Further, if the Examiner contends that (d) the portion includes at least two data elements (b(0) to b(3)), then Hansen does not disclose or suggest that in his L. E. (Little Endian) and B. E. (Big Endian) load or store operations the data elements are 16-bits, for example, as set forth by dependent claims 4, 9, 15, 32, 34 and 41.

In addition, Applicant respectfully submits that Hansen does not disclose or suggest that in his load or store operations, the source and destination operands can be the same, for example, as set forth by dependent claims 5, 10, 16, 24, and 32.

Accordingly in light of the argument presented above, Applicant respectfully requests the Examiner withdraw the rejection of Claims 1-16, 23-25 and 31-41 for allegedly being anticipated by Hansen.

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The Office Action rejects Claims 1-16, 23-25 and 31-41 under 35 U.S.C. 102(b) as allegedly being anticipated by US Pat. No. 5,822,619 (Sidwell).

Claim 1, as amended sets forth an instruction, which causes the processor to access a packed data operand having at least two portions of data elements; select a set of data elements from any data elements in a portion of the packed data operand, the portion including at least two data elements; and copy each data element of the selected set of data elements to any specified data fields located in the corresponding portion of a destination operand.

Applicant respectfully submits that Sidwell does not disclose an instruction to select from any of the data elements in a portion of a packed data operand and to copy each of the selected data elements to any specified data fields in a corresponding portion of a destination operand.

Sidwell provides 9 unique zip and unzip transforms, which are shown in Fig. 7 (col. 8, lines 43-45). It will be noted that in each of the 9 unique transforms, the specified data field 0 (zero) of the result always contains a copy the data element 0 from the source operand. It is further shown in Figs. 9-11 that S[0] of SRC1 is always copied to R[0] of the result. Therefore, none of the zip and unzip transforms of Sidwell can select from any of the data elements, S[3]-S[0], except S[0] to copy to R[0].

Similarly, claims 6, 11, 23, 31, 33, 36 and 39, as amended, also set forth selecting from any of the data elements in a portion of a packed data operand to copy each of the selected data elements to any specified data fields in a corresponding portion of a destination operand. Therefore, Applicant respectfully submits that independent claims 1, 6, 11, 23, 31, 33, 36 and 39 are not anticipated by Sidwell.

Accordingly, at least in light of the above arguments, Applicant respectfully requests the Examiner withdraw the rejection of Claims 1-16, 23-25 and 31-41 for allegedly being anticipated by Sidwell.

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35 U.S.C. § 103 REJECTIONS

The Office Action rejects Claims 1-16, 23-25 and 31-41 under 35 U.S.C. 103(a) as allegedly being unpatentable over US Pat. No. 6,192,467 (Abdallah) in view of US Pat. No. 6,288,723 (Huff).

Applicant notes that both Abdallah and Huff, which are available as prior art under 35 U.S.C. 102(e) have a common assignee with the present application. Under 35 U.S.C. 103(c), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. 102, shall not preclude patentability under 35 U.S.C. 103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Applicant respectfully submits that 35 U.S.C. 103(c) is applicable in the present case.

Therefore, Applicant respectfully requests the Examiner withdraw the rejections of Claims 1-16, 23-25 and 31-41 under 35 U.S.C. 103(a).

Therefore, Applicant respectfully submits that Claims 1-16, 23-25 and 31-41 are patently distinguished over the art cited by the Examiner. Applicants respectfully request the Examiner withdraw his rejections under 35 U.S.C. 102.

Applicants, therefore, believe that Claims 1-16, 23-25 and 31-41 are presently in condition for allowance and such action is earnestly solicited.
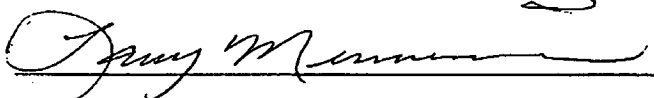
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CONCLUSION

Applicants respectfully submit the present claims for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Lawrence M. Mennemeier at (408) 765-2194.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _11-15-2004_

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